UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--X
FOX INDUSTRIES, INC.,

                    Plaintiff(s),   **ORDER**
                                                 CV 03-5166 (TCP) (WDW)

        -against-

LEONID GUROVICH, et al.,

                    Defendant(s).
--X
WALL, Magistrate Judge:

Before the court is the defendants' motion to reconsider the undersigned's order of March

11, 2005 (Docket # 150), which quashed a non-party subpoena on the ground that the parties had

not yet had their Rule 26 meeting. The defendants seek reconsideration on the ground that the

attorneys did have a Rule 26 meeting and that discovery, including a deposition of Mr. Gore and

responses by the defendants to discovery demands made by the plaintiffs has taken place. The

plaintiff argues that the motion was untimely made. It was not. Parties must file motions for

reconsideration within ten days of the order sought to be reconsidered.   See Local Rule 6.3. The

rule of computation in federal court is, of course, that when an act is required to be taken in less

than 11 days, intermediate Saturdays, Sundays and holidays are not counted, nor is the day on

which the order requiring the act was issued. See Local Rule 6.4 and Fed. R. Civ. P. 6(a). Here,

the order was dated March 11, 2005 and the motion was timely filed on March 25, 2005.

The court grants the motion for reconsideration, and, upon reconsideration, adheres to the

original ruling but on different grounds. The court stands corrected as to the facts regarding the

parties' Rule 26 meeting, but notes that the parties have not yet had a Rule 16 motion and the

undersigned finds that discovery should be stayed until a determination is made on the motion for

contempt currently pending before the court. A Report and Recommendation on that motion has

been filed on the same date as this order, and, if it is accepted, an expedited discovery schedule

will be entered into. If it is modified or rejected, appropriate discovery plans will be made.

Dated: Central Islip, New York
       June 2, 2005

SO ORDERED:

s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge